

MINUTES
OF THE MONROE COUNTY
CONTRACTORS' EXAMINING BOARD MEETING
MARATHON, FLORIDA

March 13, 2012

10:23 A.M.

I. Roll Call:

Present for roll call were Gary Centonze, Rudy Krause, Bill Miller, Alesha Scheuerman, Bill Kelly, Steve Henson, Mary Tucker for Jerry Smith, Lisa Granger, Tom Wright, and Odalys Mayan.

Excused Absent

Peggy Bankester

Frank Toppino, Alternate

II. Additions/Deletions/Corrections:

N/A

III. Announcements:

Steve Henson:

- Wishing Joe Paskalik (retired) well in future endeavors
- Welcoming Jerry Smith (new B.O.) once he arrives at meeting
- Honoring of the late Mr. Joseph Vetrick will be May 8th meeting

IV. Approval of Agenda

Approved by Gary Centonze and seconded by Rudy Krause; no nay votes.

V. Approval of Minutes

1. February 14, 2012

Approved by Alesha Scheuerman and seconded by Rudy Krause; no nay votes

2. November 8, 2011

Approved by Gary Centonze and seconded by Bill Kelly; no nay votes

VI. Swearing in of Witnesses to Testify:

Tom Wright

VII. Code Compliance Cases:

9:50 a.m.

CE11100102

NOTICE TO APPEAR

Gene Lee Cavanaugh CAC053827

Artic-Temp, Inc.

6-202.(11)a Work without benefit of a permit

Mr. Wright disclosed that he has current financial ties (installing new central a/c unit) with Mr. Cavanaugh, but that should not affect his advice to the Board – no objections from County.

Mr. Cavanaugh appeared before the Board with legal counsel (Frank Greenman) and did not contest the violation. Code Compliance Director Ronda Norman present for the County. After testimony and evidence was taken from all parties, motion was made by Rudy Krause and seconded by Steve Henson to find Respondent IN VIOLATION as cited based on admission of guilt. After discussion, motion carried unanimously.

PENALTY

Motion made by Gary Centonze recommending only administrative costs of \$132.90 to be paid within thirty (30) days or impose lien. Motion seconded by Bill Kelly with friendly amendment recommending no further action to the Construction Industry Licensing Board. Amendment accepted. Motion carried unanimously.

10:16 a.m. CE11100034

NOTICE TO APPEAR

John Christopher Gratton GC 440A
Keys Contracting Services, Inc.
6-202.(11)a Work (remodel) without benefit of a permit

Rudy Krause disclosed his affiliation with Mr. Gratton – no objections from County.

Mr. Gratton appeared before the Board without legal counsel and did not contest the violation. Code Compliance Director Ronda Norman present for the County. After testimony and evidence was taken from all parties, motion was made by Bill Kelly and seconded by Rudy Krause to find Respondent IN VIOLATION as cited based on admission of guilt. After discussion, motion carried unanimously.

PENALTY

Motion made by Gary Centonze and seconded by Alesha Scheuerman recommending only administrative costs of \$155.19 to be paid within thirty (30) days or impose lien. After discussion, roll call was taken with Gary Centonze, Rudy Krause, Alesha Scheuerman, Bill Miller, and Bill Kelly voting yes, and Steve Henson voting no; 5-1 vote; motion carried.

10:42 a.m. CE1110146

NOTICE TO APPEAR

Mark P. Jones ENG II 232C
Marathon Marine Construction, LLC.

Lisa Granger introduced the new Building Official – Jerome (Jerry) Smith, Jr.
Mr. Wright sworn-in Mr. Smith.

Mr. Jones appeared before the Board without legal counsel and did contest the violations. Code Compliance Inspector Windsor present for the County. After testimony and evidence was taken from all parties,

6.202.(11)a Work without benefit of a permit

Motion was made by Gary Centonze and seconded by Alesha Scheuerman to find Respondent IN VIOLATION as cited based on evidence. Motion carried unanimously.

PENALTY

Motion made by Bill Miller and seconded by Bill Kelly recommending fine of \$500.00 plus administrative costs of \$249.13, for total of \$749.13, to be paid within thirty (30) days or impose lien. Motion carried unanimously; and

6-202.(11)b Failure to obtain state permit

Motion made by Steve Henson and seconded by Rudy Krause to find Respondent NOT in violation. After discussion, motion carried unanimously.

12:07 p.m. CE11120117 NOTICE TO APPEAR
Narjol J. Proenza, Jr. ENG II 236D
Affordable Asphalt
6-202.(11)a Work without benefit of a permit

Mr. Henson disclosed his affiliations with Mr. Proenza – no objections from County.

Motion made by Gary Centonze and seconded by Rudy Krause approving executed stipulation agreement wherein Respondent agrees to pay a fine of \$500.00 plus \$100.00 in costs, for total of \$600.00, within 30 days from the date of the agreement. Moreover, Respondent will on probation for 90-days commencing on the date of the agreement; no nay votes.

12:08 p.m. The Board adjourned as Monroe County and reconvened as the City of Marathon. Roll call was not required. Cynthia J. McPherson, City of Marathon Code Compliance, addressed the Board with an update for the Board regarding Douglas McDuff of McDuff Construction, LLC, GC 426C, Code Case # C2010-0406, as instructed by the Board on 05/10/2011. Ms. McPherson advised that Mr. McDuff continue to report to her on or before the 15th of each month and to make payments to the sub-contractors. He has completely paid off Bardon Electric (sub-contractor). The outstanding balance due is about \$13,000.00. However, he is working and obtaining permits, and he did receive BP money but it was substantially less than he expected.

Gary Centonze recommended that Ms. McPherson get input from the sub-contractors about perhaps extending Mr. McDuff's one (1) year timeframe to pay off debt.

Secondly, Ms. McPherson reported to the Board that the City entered into a stipulation agreement with John C. Gratton, Marathon Seawalls & Docks, for unlicensed contracting, 6-77; fine is paid in full with one (1) year probation.

12:12 p.m. The Board adjourned as the City of Marathon and reconvened as Monroe County. Roll required not required.

12:13 p.m. New Business

1. Lisa Granger advised the Board that Ronda Norman already provided them with an updated Code Compliance database spreadsheet via e-mail; and 2) advised the Board on Inspector Bruno's outstanding/pending citations.

12:16 p.m. 2. Steve Henson addressed the Board and requested staff to provide the Board with an updated Code Compliance spreadsheet at every board meeting.

3. Ronda Norman addressed the Board regarding whether or not wood chipping would require a license. Lisa Trivette, Organic Accents, addressed the Board regarding wood chipping, tree trimming, and workers compensation exemption codes. After discussion, it was determined that County staff should investigate the matter and report their findings back to the Board.

12:41 p.m. Jerry Smith himself and addressed the Board regarding several issues:

1. Coordinate with I.T. so he can share his calendar with others;

2. Assist the licensed and insured contractors more diligently;

3. Advised that the B.O. does not have authority over licensing; only people that have authority over licensing are those in the construction industry;

4. Perhaps get directions from Board advising the building official that he cannot issue a permit unless there is a direct relationship between the applicant and the license holder. Building official can also ask that the license holder be on site for inspections;

5. Streamline significantly the process of permit issuing to be more efficiently;

6. Convert all forms to comply with statutes;

7. Advised inspectors that they can fail an inspection and allow work to continue, or they can fail the inspection and place a hard-hold so no action can happen on the permit. However, prior to doing that, the inspector must first contact him (Jerry Smith) to discuss the matter. The inspector will be responsible for that decision. There are only three (3) results of inspections according to the state: pass, failed, and pass with conditions.

a. Gary Centonze addressed the Board regarding owner/builder permits. After discussion, Mr. Smith advised that if an owner/builder pulls a permit, continuously fails an inspection and it is obvious that they are doing the work, but doesn't know what he is doing, or are hiring unlicensed people, the Building Official can either 1) revoke the permit or 2) require the owner/builder to take an exam to test their knowledge; they (owner/builder) are not exempt from testing.

b. Steve Henson addressed the Board regarding contractor's qualifying a second (2nd) company. Monroe County Code does not address qualifying second companies. Mr. Henson advised that he wants to see some kind of relationship between the license holder and the company.

8. When you give someone (permit runner) power-of-attorney, that person may drop off and pick up permits, call in inspections, and be on site for inspections. Unless the license holder explicitly specifies what an agent can do, the license holder is deferring authority to that person;

12:59 p.m. Reports

1. Tom Wright had nothing to report
2. Lisa Granger had nothing to report

1:20 p.m. Break

1:25 p.m. Reconvene

Joe Davis, EC 165, Joe Davis Electric, Inc. and Frank Conklin addressed the Board. Mr. Davis wishes to qualify a second electrical company (Ocean Electric of Key Largo, Inc.). Mr. Conklin wishes for Mr. Davis to qualify his company as his previous qualifier Joe L. Heard (EC 283) has since passed away. After discussion, the Board unanimously approved Mr. Davis' request to qualify a second company.

1:37 p.m. Lunch break

3:12 p.m. Board reconvene with Lisa Granger and Alesha Scheuerman not present.

Board adjourned.

Construction Trades applications read into record by Steve Henson.

CD of hearing on file at the Marathon Government Center in the Building Department.

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